

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ANNUITY AND HEALTH & WELFARE FUNDS OF  
THE UNITED FOOD & COMMERCIAL  
WORKERS LOCAL 2013, AFL-CIO by their trustees  
LOUIS MARK CAROTENUTO  
and STANLEY FLEISHMAN,

Plaintiffs,

— against —

SOUTH ORANGE FANCY FOOD, LLC D/B/A EDEN  
GARDEN CAFÉ & MARKETPLACE /  
ASHLEY MARKETPLACE ,

Defendant.

**19-CV-4192 (ARR)(RER)**

**Opinion & Order**

**Not for electronic or print  
publication**

ROSS, United States District Judge:

This Court has received the Report and Recommendation on the instant case dated August 14, 2020, from the Honorable Ramon E. Reyes, Jr., United States Magistrate Judge. No objections have been filed. The Court reviews “de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b); *see also* *Brissett v. Manhattan & Bronx Surface Transit Operating Auth.*, No. 09-CV-874 (CBA)(LB), 2011 WL 1930682, at \*1 (E.D.N.Y. May 19, 2011), *aff’d*, 472 F. App’x 73 (2d Cir. 2012) (summary order). Where no timely objections have been filed, “the district court need only satisfy itself that there is no clear error on the face of the record.” *Finley v. Trans Union, Experian, Equifax*, No. 17-CV-0371 (LDH)(LB), 2017 WL 4838764, at \*1 (E.D.N.Y. Oct. 24, 2017) (quoting *Estate of Ellington ex rel. Ellington v. Harbrew Imports Ltd.*, 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011)). Having reviewed the record, I find no clear error. I therefore adopt the

Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Accordingly, I grant plaintiffs' motion for default judgment and order an injunction requiring that defendant submit to an audit. Plaintiffs retain the ability to petition the court for further relief as a result of the audit. Additionally, I award plaintiffs attorneys' fees amounting to \$1,859.00 and costs amounting to \$535.00. The Clerk of Court is directed to enter judgment accordingly and close the case.

SO ORDERED.

\_\_\_\_\_/s/\_\_\_\_\_  
Allyne R. Ross  
United States District Judge

Dated: September 3, 2020  
Brooklyn, New York